

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, OCTOBER 4, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

OTHER LEGISLATIVE MEETINGS

A **Special Meeting** of the **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: San Diego Innovation and Investment Month.
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.

ITEM-31: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, October 4, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Special Closed Session may continue into Tuesday, October 5, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Special Closed Session Agenda should reference the closed session item number from the Special Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Pacific Highlands Ranch, Units 17-22A. (Pacific Highlands Ranch, Subarea III Community Plan Area. District-1.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 9/21/2004, Item 334a.
- ITEM-100: First Amendment to Lease Agreement with State of California, Department of Parks and Recreation for the San Pasqual Battlefield State Historic Park. (San Pasqual Valley Community Area. District-5.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Grant Application to First Five Commission of San Diego for the Library Design and Construction of Preschool Areas in College-Rolando, Logan Heights, Serra Mesa-Kearny Mesa, and Skyline Hills Branch Libraries. (Skyline-Paradise Hills, Serra Mesa, Kearny Mesa, College Area, and Southeastern San Diego Community Areas. Districts-4, 6, 7, and 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Two actions related to Agreement with Habitat West, Inc. for Design/Build Services for Los Peñasquitos North Wetland Creation Project. (Los Peñasquitos Canyon Preserve Community Area. District-1.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 9/22/2004, NR&C voted 4 to 0 to approve.
- ITEM-103: Two actions related to Award of Design/Build Contracts for Mitigation and Restoration Projects. (City Heights, Normal Heights, Navajo, Clairemont Mesa, and University Community Areas. Districts-1, 3, 6, and 7.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 9/22/2004, NR&C voted 4 to 0 to approve.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Grant Application to California Office of Traffic Safety for Airborne Intervention to Reduce Alcohol-Impaired Driving (“AIRAID”).
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Applying to HUD for a 108 Loan for the Golden Hill Community Center Project. (Greater Golden Hill Community Planning Area. District-8.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Establishing a One-Hour Unmetered Time Limit Parking on El Cajon Boulevard. (City Heights Community Area. District-7.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Appointment to the La Jolla Shores Planned District Advisory Board.
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.
- ITEM-108: San Diego City College 90th Anniversary Day.
MAYOR MURPHY’S AND COUNCILMEMBER ZUCCHET’S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Roger Cazares Day.
COUNCILMEMBER INZUNZA’S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)
TODAY’S ACTION IS: Adopt the resolution.
- ITEM-111: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)
TODAY’S ACTION IS: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

ITEM-112: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

ITEM-113: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Item

ITEM-200: Amending the San Diego Municipal Code relating to Regulating Alarm Systems.
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.

Public Notice

ITEM-250: **Notice** of Pending Final Map Approval – California Terraces Unit No. 2A.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: San Diego Innovation and Investment Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-339)

Recognizing the support of businesses, industry, and people in our community for innovation and ideas that are essential for San Diego's continued economic success;

Proclaiming October 2004 to be "San Diego Innovation and Investment Month" in the City of San Diego.

ITEM-31: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

09/06/2004 - Adjourned

09/07/2004

09/13/2004

09/14/2004

NON-AGENDA PUBLIC COMMENT

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Information Item - No Action Required - The City Council shall:

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: Pacific Highlands Ranch, Units 17-22A.

(Pacific Highlands Ranch, Subarea III Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/21/2004, Item 334,
Subitem A. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-34)

Authorizing the City Manager to execute a first amendment to Pacific Highlands
Ranch Subarea III NCFUA Fire Facility Site Purchase Agreement.

NOTE: 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: First Amendment to Lease Agreement with State of California, Department of Parks and Recreation for the San Pasqual Battlefield State Historic Park.

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-318)

Authorizing the City Manager, or designee, to execute the First Amendment to Lease with the State of California, Department of Park and Recreation, to add approximately nine acres to the existing leasehold for the San Pasqual Battlefield State Historic Park, under the terms and conditions set forth in that certain First Amendment to Lease.

CITY MANAGER SUPPORTING INFORMATION:

In 1978 the State of California, Department of Park and Recreation, entered into a 55 year lease agreement with the City of San Diego to develop and operate the San Pasqual Battlefield State Historic Park. This lease area is approximately 47.7 acres and is adjacent and to the west of the additional approximately nine acres which is the subject of this First Amendment to Lease. The original acreage improvements include a visitor's center, depicting the colorful history of San Pasqual Valley, restrooms, picnic facilities, hiking trails and parking area.

This First Amendment to Lease of approximately nine acres was once leased to the San Pasqual Union School District and improvements on the nine acre site include classroom facilities, playground equipment, bus barn and a keepers house. The improvements will be used by the State in conjunction with San Diego Archaeological Center to preserve and curate prehistoric and historic archaeological artifacts and to promote the educational, cultural and scientific use of the collection. Also located on this nine acre parcel is the existing ancestral cemetery for the San Pasqual Band of Indians and original inhabitants of the valley. The San Pasqual Band of Indians has requested the support of the State to help protect the ancestral cemetery and this will be accomplished, in part, with the State Ranger occupancy of the keepers house. The nine acre area is outside the Multi Habitat Planning Area (MHPA) for the valley, as well as outside the Agricultural Preserve. The San Pasqual Planning Group supports this action.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The City will receive a one time advance payment of \$48,000 for the approximately nine acres which represents the fair market rent for the remainder of the lease term with an expiration date of July 23, 2033. This takes into consideration the State responsibility for all maintenance of the improvements at the site. The total acreage of the lease after this Amendment to Lease will be approximately 56.7 acres.

FISCAL IMPACT:

A one time advance payment of \$48,000 deposited into Water Department Fund 41500.

Herring/Griffith/DCM

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Grant Application to First Five Commission of San Diego for the Library Design and Construction of Preschool Areas in College-Rolando, Logan Heights, Serra Mesa-Kearny Mesa, and Skyline Hills Branch Libraries.

(Skyline-Paradise Hills, Serra Mesa, Kearny Mesa, College Area, and Southeastern San Diego Community Areas. Districts-4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-322)

Authorizing the City Manager to make an application to the First Five Commission of San Diego for \$4,000,000 in grant funds (the Grant Funds) for library design and construction of preschool areas in College-Rolando, Logan Heights, Serra Mesa-Kearny Mesa and Skyline Hills branch libraries (the Projects);

Authorizing the City Manager to execute an agreement with the First Five Commission of San Diego in an amount not to exceed \$4,000,000 for the Projects under the terms and conditions set forth in the Grant Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the Projects and the Agreement;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, and to take all necessary actions to secure funds from the First Five Commission of San Diego for the Projects;

Authorizing the City Auditor and Comptroller to accept and appropriate the Grant Funds in an amount not to exceed \$4,000,000, contingent upon receipt of the Grant Funds and a fully executed Grant Agreement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the Grant Funds, in an amount not to exceed \$4,000,000;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

Authorizing the City Auditor and Comptroller contingent upon the receipt of a fully executed Grant Agreement and the Grant Funds, to amend the Fiscal Year 2005 Capital Improvements Program Budget to increase each of the following CIP Budgets by an amount not to exceed \$1,000,000: CIP-35-071.0 College Rolando, CIP-35-101.0 Logan Heights, CIP-35-089.0 Serra Mesa-Kearny Mesa, and CIP-35-107.0 Skyline Hills branch libraries;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1 million for each of the following CIP's: CIP-35-071.0 College Rolando, CIP-35-101.0 Logan Heights, CIP-35-089.0 Serra Mesa-Kearny Mesa, and CIP-35-107.0 Skyline Hills branch libraries, Fund 30244, for the purpose of design, construction, contingency, and related costs for the Projects, contingent upon receipt of a fully executed Grant Agreement, and contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On July 19, 2004, the First Five Commission of San Diego granted the San Diego Public Library an award for \$4 million to construct Preschooler's Door to Learning areas at four branch libraries: College-Rolando, Logan Heights, Serra Mesa-Kearny Mesa and Skyline Hills based upon an RFP submitted on March 17, 2004. Each branch will receive \$1 million towards their capital project for a total award of \$4 million. The branches were selected based upon the RFP criteria requiring a project to be under construction within two years of the funding award. Funds will be reimbursed to the four capital projects for expended funds based on First Five Commission criteria of eligible costs. Environmental review has been completed and approved for each of the library projects mentioned.

Constructing Preschooler's Door to Learning areas at the College/Rolando, Serra Mesa/Kearny Mesa, Logan Heights and Skyline Hills Branch libraries will promote school readiness from infancy, provide services for self-enrichment, and allow children to discover the pleasures of reading and learning.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Preschooler's Door to Learning area is a designated portion of a library designed exclusively for children 0-5 years, their parents and caregivers. This area customarily houses the children's picture book collection but will be enhanced with additional equipment for children 0 to 5 years. It will include a Parenting-Teacher-Caregiver collection, computers with developmentally appropriate software, manipulative and adaptive toys, books and media specifically targeted for that age group, space for programs for infants, parents and toddlers, such as parenting workshops, and reading readiness programs that reinforce oral language, print awareness and phonological sensitivity that research has shown children need to succeed as readers.

The Preschooler's Door to Learning environment will encourage young children to develop a lifelong interest in reading and learning through services for children, and for parents, other adult caregivers, and children together.

FISCAL IMPACT:

\$4 million.

Herring/Tatar/ES

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Two actions related to Agreement with Habitat West, Inc. for Design/Build Services for Los Peñasquitos North Wetland Creation Project.

(See memorandum from Scott Tulloch dated 9/15/2004. Los Peñasquitos Canyon Preserve Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-234)

Authorizing the City Manager to execute an agreement with Habitat West, Inc., for design/build services in connection with Los Peñasquitos North Wetland Creation Project, under the terms and conditions set forth in the Design/Build Agreement;

Authorizing the expenditure of an amount not to exceed \$679,995 from Fund No. 41506, to provide funds for design, construction, and contingency for the above referenced Project.

Subitem-B: (R-2005-235)

Declaring that the information contained in the Environmental Impact Report PTS No. 6020, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Los Peñasquitos North Wetland Creation Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/22/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Councilmember District 4-vacant.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) regularly implements construction, repair, or maintenance activities in accordance with Council Policy 400-13 that require compensatory wetlands mitigation for impacts to jurisdictional wetlands. Timely mitigation of impacts associated with these activities is required under the California Environmental Quality Act (CEQA) and by regulatory agencies. The Los Peñasquitos North Wetland Creation Project is a Design/Build project that involves the creation of 3.8 acres of wetland habitat within the Los Peñasquitos Canyon Preserve to mitigate for past and future impacts to wetlands within the Los Peñasquitos Creek Watershed. The conceptual design for this project has been presented to the Los Peñasquitos Community Advisory Committee and reviewed by the Development Services Department, the Planning Department Multiple Species Conservation Program, the Park and Recreation Department, and associated regulatory agencies.

In April 2004, a Request for Proposals (RFP) was sent to the three firms short listed during the Request for Qualifications (RFQ) process for As Needed Design/Build Habitat Restoration Projects. All three short listed firms submitted technical proposals on May 13, 2004. Two of the firms participated in the presentations and interviews and submitted price proposals on May 24, 2004. Based on review and evaluation of the technical proposals, presentations and price proposals, Habitat West, Inc. was determined to have the best evaluated price.

Award of the contract will allow Habitat West, and subconsultants Dudek and Associates, Inc. and Roberts Engineering, to complete design, construction, and maintenance of the Los Peñasquitos North Wetland Creation Project in accordance with the Project's Conceptual Plan prepared in January 2004.

FISCAL IMPACT:

The total estimated cost of this project is \$679,995 and is available in Fund 41506, Job Order 764072, Wetland Environmental Mitigation Projects.

Mendes/Tulloch/AKS

Aud. Cert. 2500124.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Two actions related to Award of Design/Build Contracts for Mitigation and Restoration Projects.

(See memorandum from Scott Tulloch dated 9/15/2004. City Heights, Normal Heights, Navajo, Clairemont Mesa, and University Community Areas. Districts-1, 3, 6, and 7.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-324)

Authorizing the City Manager to award a design/build contract for the I-15 and Adams Restoration Project to the firm offering the best value meeting the interest and objectives of the City in an amount not to exceed \$605,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to award a design/build contract for the Group III Canyon Restoration Project to the firm offering the best value meeting the interest and objectives of the City in an amount not to exceed \$484,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to award a design/build contract for the Lake Murray Mitigation Project to the firm offering the best value meeting the interest and objectives of the City in an amount not to exceed \$550,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$605,000 from Sewer Fund No. 41506, Job Order No. 764078, in support of the I-15 and Adams Restoration Project, solely and exclusively for the purpose of providing funds for this Project and related costs;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

Subitem-A: (Continued)

Authorizing the expenditure of an amount not to exceed \$484,000 from Sewer Fund No. 41506, Job Order No. 764078, in support of the Group III Canyon Restoration Project, solely and exclusively for the purpose of providing funds for this Project and related costs;

Authorizing the expenditure of an amount not to exceed \$550,000 from Sewer Fund No. 41506, Job Order No. 764077, in support of the Lake Murray Mitigation Project, solely and exclusively for the purpose of providing funds for this Project and related costs;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2005-326)

Declaring that the information contained in Environmental Impact Report PTS No. 6020, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the above referenced Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/22/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. Council District 4-vacant.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) regularly implements construction, repair, or maintenance activities in accordance with Council Policy 400-13. The policy requires upland and wetland mitigation for impacts and timely restoration of impacts within canyons and other environmentally sensitive areas in accordance with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. MWWD has proposed three Design/Build projects to meet these requirements.

The I-15 and Adams Canyon Access Restoration Project is a project to restore and revegetate access paths which were created during emergency cleaning and maintenance activities in Normal Heights Canyon. The estimated cost for this project is \$605,000. The Group III Canyon Restoration/Revegetation Project is to restore and revegetate access paths created during emergency cleaning and maintenance activities in Lower Rose Canyon, Sonico Canyon, and Isla Vista Canyon. The estimated cost for this project is \$484,000. The Lake Murray Mitigation Project is a project that involves the enhancement of wetland and upland habitat within Mission Trails Regional Park to mitigate for past and future impacts from the Lake Murray Emergency Sewer Maintenance and Repair Project, the Lake Murray Trunk Sewer Replacement and Long-Term Access Project, and from additional sewer repair projects within the San Diego River Watershed. The estimated cost for this project is \$550,000.

Requests for proposals for these projects were or will be requested from the prequalified firms on the Design/Build Habitat Restoration short list. Based upon review of the technical proposals, presentations and price proposals, for each project the firm offering the best value meeting the interests of the City and the project objectives will be selected. Award of the contracts will allow the selected firm(s) to complete design, construction, and maintenance of the projects.

FISCAL IMPACT:

The total not to exceed authorization is \$1,639,000. Funds in the amount of \$1,089,000 are available in Sewer Fund 41506, Dept. 776, Org 722, for the I-15/Adams and Canyon Group III projects. Funds in the amount of \$550,000 were encumbered in FY 2004 in Department Encumbrance 2410066 for the Lake Murray project for mitigation. The remaining Department Encumbrance balance will be used in future actions.

Mendes/Tulloch/AKS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Grant Application to California Office of Traffic Safety for Airborne Intervention to Reduce Alcohol-Impaired Driving ("AIRAID").

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-304)

Authorizing the Chief of Police to apply for, accept, manage and expend this grant, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, and to certify that the City will comply with all applicable statutory or regulatory requirements related to this program;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body.

CITY MANAGER SUPPORTING INFORMATION:

The California Office of Traffic Safety (OTS) solicits grants for various traffic safety programs, particularly those designed to reduce drunk driving. SDPD has designed a program that will partner SDPD helicopter pilots in aerial observation of traffic, and communication with ground units, to identify, track, locate, and apprehend substance impaired drivers.

Impaired drivers are often easily more spotted from helicopters due to their erratic driving and disregard for traffic laws. Additionally, impaired drivers are often able to elude ground patrol. AIRAID will assist ground units in identifying impaired drivers who might otherwise not be detected, and in locating drivers who attempt to evade ground units.

As originally submitted, the proposal requested two Forward-Looking Infrared Cameras (FLIRs) with which to observe and photograph impaired drivers for use as evidence.

However, OTS eliminated the FLIRs and reduced the funding to approximately \$156,000 and will allow us to augment other smaller observation items. The revised grant program has not yet been finalized, but will consist primarily of pilot overtime, and equipment including Gyro-Stabilized Binoculars and helicopter operating costs. The goals of the program have not changed from the original proposal.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

FISCAL IMPACT:

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. This grant will provide additional support to ground units in identifying, locating and apprehending impaired drivers. As such, it may result in savings related to costs collisions and injuries resulting from impaired drivers. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

Ewell/Lansdowne/DJW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Applying to HUD for a 108 Loan for the Golden Hill Community Center Project.

(See City Manager Report CMR-04-208. Greater Golden Hill Community Planning Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-302)

Authorizing the City Manager, or designee, to apply to the Department of Housing and Urban Development (HUD) for a Section 108 loan not to exceed \$2.6 million, for the Golden Hill Community Center Project, an increase of \$570,000 over the loan amount that was authorized by the City Council on July 17, 2000;

Authorizing the City Manager to set forth the legal authority and certifications necessary for such an application and to execute and submit all documents related to the processing and funding of such a loan;

Authorizing the City Manager to accept and expend such funds, contingent upon receipt of an Auditor's Certificate verifying availability of the funds and execution of an agreement by and between the City and the Golden Hill Community Development Corporation;

Authorizing the City Manager to use Council District 8's future Community Development Block Grant (CDBG) entitlement grants to make loan repayments ranging between \$216,000 and \$225,000 (depending on the interest rates) per year over 20 years beginning no sooner than FY2006 as stated in City Manager Report;

Authorizing the City Manager to pledge and encumber the City's future annual CDBG entitlement grants and to encumber the property (land) as additional collateral if so required by HUD;

Authorizing the City Manager to amend the 2005 CDBG Action Plan to include the intended use of HUD 108 funds for the Golden Hill Community Center Project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Establishing a One-Hour Unmetered Time Limit Parking on El Cajon Boulevard.

(City Heights Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-215 Cor. Copy)

Establishing a one-hour unmetered time limit parking zone on the south side of El Cajon Boulevard between Winona Avenue and the alley east of 49th Street, San Diego, California, effective between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, Sunday and certain holidays excepted, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install one-hour unmetered time limit parking on the south side of El Cajon Boulevard between Winona Avenue and the alley east of 49th Street. The one-hour time limit zone will be effective from 8 AM to 6 PM, Monday through Saturday, with Sundays, and certain holidays excepted. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones. El Cajon Boulevard is a commercial street. The businesses expressed concern with parking of long durations impacting their businesses and requested time limit parking. They submitted a petition signed by 100% of the fronting businesses to initiate a parking study by the City. The parking duration study indicated that time limit parking is recommended. There are two existing green zones on this block. The affected businesses agreed to the replacement of the green zones by one-hour time limit parking. In addition, the City Heights Area Planning Committee supports this action.

FISCAL IMPACT:

\$450. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Appointment to the La Jolla Shores Planned District Advisory Board.

(See memorandum from Mayor Murphy dated 9/21/2004, with resume attached;
and memorandum from Councilmember Peters dated 9/20/2004.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-341)

Council confirmation of the appointment by the Mayor of the City of San Diego,
of Suzanne Weissman, to serve as a member of the La Jolla Shores Planned
District Advisory Board, for a term expiring on April 1, 2006, to replace John
Hucko, whose term has expired.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: San Diego City College 90th Anniversary Day.

MAYOR MURPHY'S AND COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-346)

Recognizing and commending the exceptional contributions that San Diego City College has made to the San Diego region;

Proclaiming September 24, 2004, to be "San Diego City College 90th Anniversary Day" in the City of San Diego.

* ITEM-109: Roger Cazares Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-333)

Recognizing and appreciating the assistance of Roger Cazares;

Proclaiming October 2, 2004, to be "Roger Cazares Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1249)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-111: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-46)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-112: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-109)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- * ITEM-113: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-185)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED:

ITEM-200: Amending the San Diego Municipal Code relating to Regulating Alarm Systems.

(See City Manager Report CMR-04-157 Cor. Report.)

(Continued from the meeting of September 7, 2004, Item 56, at the request of Councilmember Zucchet, for further review.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-151 Cor. Copy)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 37 of the San Diego Municipal Code by repealing Sections 33.3700, 33.3706.1, 33.3706.2, and 33.3707.1; amending Sections 33.3701 through 33.3715; and adding Sections 33.3716 through 33.3723; relating to burglary, robbery, and emergency alarm systems.

PUBLIC NOTICE:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval – California Terraces Unit No. 2A.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “California Terraces Unit No. 2A” (T.M. No. 99-0855), located southeasterly of I-805 and Ocean View Hills Parkway in the Otay Mesa Community Planning Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT